

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

EVANS, Jacqueline, Gail, Victoria
Unilever plc
Patent Division
Colworth House
Sharnbrook
Bedford MK44 1LQ
ROYAUME-UNI

Date of mailing (day/month/year) 21 June 2000 (21.06.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference F 7417 (C)	
International application No. PCT/EP98/08553	International filing date (day/month/year) 23 December 1998 (23.12.98)

1. The following indications appeared on record concerning:		
<input type="checkbox"/> the applicant	<input type="checkbox"/> the inventor	<input checked="" type="checkbox"/> the agent
<input type="checkbox"/> the common representative		
Name and Address KIRSCH, Susan Unilever plc Patent Division Colworth House Sharnbrook Bedford MK44 1LQ United Kingdom	State of Nationality	State of Residence
	Telephone No. 010-4605930	
	Facsimile No. 010-4606290	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:		
<input checked="" type="checkbox"/> the person	<input checked="" type="checkbox"/> the name	<input type="checkbox"/> the address
<input type="checkbox"/> the nationality		
<input type="checkbox"/> the residence		
Name and Address EVANS, Jacqueline, Gail, Victoria Unilever plc Patent Division Colworth House Sharnbrook Bedford MK44 1LQ United Kingdom	State of Nationality	State of Residence
	Telephone No. 01234 781781	
	Facsimile No. 01234 222000	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to:		
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned	
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned	
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer J. Leitao
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PCT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

KIRSCH, Susan
Unilever plc
Patent Division
Colworth House
Sharnbrook
Bedford MK44 1LQ
ROYAUME-UNI

Date of mailing (day/month/year) 19 May 1999 (19.05.99)		IMPORTANT NOTIFICATION	
Applicant's or agent's file reference F 7417 (C)			
International application No. PCT/EP98/08553		International filing date (day/month/year) 23 December 1998 (23.12.98)	

1. The following indications appeared on record concerning:			
<input checked="" type="checkbox"/> the applicant	<input checked="" type="checkbox"/> the inventor	<input type="checkbox"/> the agent	<input type="checkbox"/> the common representative
Name and Address TURGG, Sarah Unilever Research Colworth Colworth House Sharnbrook Bedford MK44 1LQ United Kingdom		State of Nationality GB	State of Residence GB
		Telephone No.	
		Facsimile No.	
		Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:			
<input type="checkbox"/> the person	<input checked="" type="checkbox"/> the name	<input type="checkbox"/> the address	<input type="checkbox"/> the nationality <input type="checkbox"/> the residence
Name and Address TWIGG, Sarah Unilever Research Colworth Colworth House Sharnbrook Bedford MK44 1LQ United Kingdom		State of Nationality	State of Residence
		Telephone No.	
		Facsimile No.	
		Teleprinter No.	
3. Further observations, if necessary: Correction in name.			
4. A copy of this notification has been sent to:			
<input checked="" type="checkbox"/> the receiving Office	<input checked="" type="checkbox"/> the designated Offices concerned		
<input checked="" type="checkbox"/> the International Searching Authority	<input type="checkbox"/> the elected Offices concerned		
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:		

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer J. Leitao Telephone No.: (41-22) 338.83.38
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INTERNATIONAL COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 23 September 1999 (23.09.99)	
International application No. PCT/EP98/08553	Applicant's or agent's file reference F 7417 (C)
International filing date (day/month/year) 23 December 1998 (23.12.98)	Priority date (day/month/year) 22 January 1998 (22.01.98)
Applicant JARMAN, Carl, Dudley et al	

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

12 August 1999 (12.08.99)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Jean-Marie McAdams
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference F 7417 (C)	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 98/08553	International filing date (day/month/year) 23/12/1998	(Earliest) Priority Date (day/month/year) 22/01/1998
Applicant UNILEVER N.V. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☒ furnished subsequently to this Authority in written form.

☒ furnished subsequently to this Authority in computer readable form.

☒ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☒ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.



INTERNATIONAL SEARCH REPORT

International application No.

PCT/EP 98/08553

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

See FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims 1,2,6,7,9-13 are not concise according to article 6 PCT, and do not allow a complete and meaningful search. The search for proteins with such composition, and their corresponding nucleic acid sequences encoding them, has been restricted to the sequence IDs 1-4 provided by the applicant. In general terms the search has also included documentation regarding antifreeze proteins from plants.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

tion on patent family members

International Application No

T/EP 98/08553

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9515377 A	08-06-1995	US 5646029 A	08-07-1997
		AU 690604 B	30-04-1998
		AU 1103895 A	19-06-1995
		CA 2177953 A	08-06-1995
		EP 0733106 A	25-09-1996
		FI 962240 A	04-07-1996
		JP 10502521 T	10-03-1998
		NZ 276674 A	24-11-1997
		SG 52451 A	28-09-1997
		US 5830747 A	03-11-1998
WO 9804699 A	05-02-1998	AU 3443797 A	20-02-1998
		AU 3621297 A	20-02-1998
		AU 3621397 A	20-02-1998
		AU 3693497 A	20-02-1998
		DE 19732135 A	26-02-1998
		DE 19732136 A	29-01-1998
		WO 9804146 A	05-02-1998
		WO 9804147 A	05-02-1998
		WO 9804148 A	05-02-1998
		EP 0918863 A	02-06-1999
		EP 0923306 A	23-06-1999
		EP 0924990 A	30-06-1999
		FR 2751657 A	30-01-1998
		FR 2751513 A	30-01-1998
		GB 2315752 A	11-02-1998
		GB 2315753 A	11-02-1998
		IT MI971752 A	25-01-1999
		IT MI971755 A	25-01-1999
WO 9222581 A	23-12-1992	AU 1907192 A	12-01-1993
		CA 2110510 A	23-12-1992
		EP 0589928 A	06-04-1994
		US 5852172 A	22-12-1998
CA 2104142 A	17-02-1995	US 5731419 A	24-03-1998
WO 9417186 A	04-08-1994	US 5837545 A	17-11-1998
		AU 6229894 A	15-08-1994
		CA 2154274 A	04-08-1994
WO 9013571 A	15-11-1990	US 5118792 A	02-06-1992
		AU 648028 B	14-04-1994
		AU 5814390 A	29-11-1990
		CA 2056434 A	11-11-1990
		EP 0472662 A	04-03-1992
		JP 4505329 T	17-09-1992

INTERNATIONAL SEARCH REPORT

International Application No.

T/EP 98/08553

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C12N15/29 C12N15/82 C07K14/415 A23L3/375 A23G9/02
 A23G9/04 A01H5/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 C12N C07K A23L A23G A01H

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 95 15377 A (ALBRIGHT & WILSON AUSTRALIA) 8 June 1995 (1995-06-08) page 27 - page 28; figure 1 ---	1,7
P, X	WO 98 04699 A (UNILEVER PLC ; UNILEVER NV (NL)) 5 February 1998 (1998-02-05) the whole document	1-13
P, A	- & WO 98 04148 A (UNILEVER) 5 February 1998 (1998-02-05) page 19 - page 25 --- -/--	1-13

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

13 July 1999

Date of mailing of the international search report

27/07/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Maddox, A

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/EP 98/08553

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>DATABASE BIOSIS 'Online! BIOSCIENCES INFORMATION SERVICE, PHILADELPHIA, PA, US AN 1996:515033, TASE, K., ET AL.: "Analysis of hardening related proteins in Lolium temulentum L." XP002108924 abstract & GRASSLAND SCIENCE, vol. 42, no. 2, 1996, pages 117-122, ---</p>	1-13
A	<p>DATABASE BIOSIS 'Online! BIOSCIENCES INFORMATION SERVICE, PHILADELPHIA, PA, US AN 1998:174502, HARRISON, J., ET AL.: "Acclimation to freezing temperatures in perennial ryegrass(Lolium perenne)" XP002108925 abstract & ACTA PHYSIOLOGIAE PLANTARUM, vol. 19, no. 4, 1997, pages 505-515, ---</p>	1-13
A	<p>WO 92 22581 A (UNIV WATERLOO) 23 December 1992 (1992-12-23) cited in the application the whole document ---</p>	1-13
A	<p>CA 2 104 142 A (LALIBERTE JEAN FRANCOIS ;HOUDE MARIO (CA); SARHAN FATHEY (CA)) 17 February 1995 (1995-02-17) the whole document ---</p>	1-13
A	<p>WO 94 17186 A (UNIV FLORIDA) 4 August 1994 (1994-08-04) the whole document ---</p>	1-13
A	<p>WO 90 13571 A (DNA PLANT TECHN CORP) 15 November 1990 (1990-11-15) cited in the application the whole document ---</p>	1-13
A	<p>LEE ET AL: "Molecular cloning of abscisic acid-responsive mRNAs expressed during the induction of freezing tolerance in bromegrass (Bromus inermis Leyss) suspension culture" PLANT PHYSIOLOGY, vol. 101, 1993, pages 1089-1096, XP002094162 ISSN: 0032-0889 the whole document ---</p>	1-13
	<p>--- -/--</p>	

INTERNATIONAL SEARCH REPORT

International Application No

T/EP 98/08553

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>LEE J -S ET AL: "THE REDUCTION OF THE FREEZING POINT OF TOBACCO PLANTS TRANSFORMED WITH THE GENE ENCODING FOR THE ANTIFREEZE PROTEIN FROM WINTER FLOUNDER" JOURNAL OF CELLULAR BIOCHEMISTRY, no. 14, PART E, 31 March 1990 (1990-03-31), XP002030248 the whole document</p> <p>-----</p>	13

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RPCT/D 83 AVR 2003
WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference F7417(C)/pmk	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP98/08553	International filing date (day/month/year) 23/12/1998	Priority date (day/month/year) 22/01/1998
International Patent Classification (IPC) or national classification and IPC C12N15/29		
Applicant UNILEVER PLC et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12/08/1999	Date of completion of this report 28.03.00
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Ury, A Telephone No. +49 89 2399 8411 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP98/08553

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-35 as originally filed

Claims, No.:

1-11 with telefax of 23/02/2000

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-11
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-11
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-11
	No:	Claims	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP98/08553

2. Citations and explanations

see separate sheet

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP98/08553

Item V.

The present application is based on the isolation of an anti-freeze protein (AFP), the determination of its amino sequence and its nucleic acid sequence.
Said AFP was neither disclosed nor rendered obvious by the cited prior art.
Therefore, the subject-matter of the present set of claims meets the requirements of Article 33.2 and 3 PCT.

Item VI.

Certain published documents (Rule 70.10)

Application No	Publication date	Filing date	Priority date
WO 98/04699	05.02.98	04.07.97	26.07.96

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Claims

1. Anti-freeze protein which can be derived from plants characterised in that at least 40% of its amino acids are from the group of Serine, Threonine and Asparagine and having at least 80% overlap with the following amino acid sequence:

D-E-Q-P-N-T-I-S-G-S-N-N-T-V-R-S-G-S-K-N-V-L-A-G-N-D-N-T-V-I-S-G-D-N-N-S-V-S-G-S-N-N-T-V-V-S-G-N-D-N-T-V-T-G-S-N-H-V-V-S-G-T-N-H-I-V-T-D-N-N-N-N-V-S-G-N-D-N-N-V-S-G-S-F-H-T-V-S-G-G-H-N-T-V-S-G-S-N-N-T-V-S-G-S-N-H-V-V-S-G-S-N-K-V-V-T-D-A

as well as modified versions thereof whereby said modification does not materially affect the ice recrystallisation inhibition properties.
2. Anti-freeze protein according to claim 1, which can be derived from grass.
3. Anti-freeze protein of claim 1, wherein the overlap is at least 95%.
4. Anti-freeze protein of claim 1, wherein the overlap is 100%.
5. Anti-freeze protein of claim 1, wherein the protein has been modified by glycosylation.

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6. Nucleic acid sequence capable of encoding for the anti-freeze protein of claim 1.

7. Nucleic acid sequence of claim 6, having the sequence:

5

GAT GAA CAG CCG AAT ACG ATT TCT GGG AGC AAC AAT ACT GTC
AGA TCC GGG AGC AAA AAT GTT CTT GCT GGG AAT GAC AAC ACC
GTC ATA TCT GGG GAC AAC AAT AGT GTG TCT GGG AGC AAC AAC
ACT GTC GTA AGT GGG AAT GAC AAT ACC GTA ACC GGC AGC AAC
10 CAT GTC GTA TCA GGG ACA AAC CAT ATC GTT ACA GAC AAC AAC
AAT AAC GTA TCC GGG AAC GAT AAT AAT GTA TCC GGG AGC TTT
CAT ACC GTA TCC GGG GGG CAC AAT ACT GTG TCC GGG AGC AAC
AAT ACC GTA TCT GGG AGC AAC CAC GTT GTA TCT GGA AGC AAC
AAA GTC GTG ACA GAC GCT TAA

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and alleles thereof.

8. Frozen food product comprising the anti-freeze protein of claim 1.

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9. Food product according to claim 8, being a frozen confectionery product.

10. Method of obtaining an AFP according to claim 1,
25 whereby the AFP is produced by a genetically modified organism.

11. Method according to claim 10, wherein the organism is a microorganism or a plant line.



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶ : C12N 15/29, 15/82, C07K 14/415, A23L 3/375, A23G 9/02, 9/04, A01H 5/00		A3	(11) International Publication Number: WO 99/37782
			(43) International Publication Date: 29 July 1999 (29.07.99)
(21) International Application Number: PCT/EP98/08553		Dept. of Biology, The Plant Laboratory, Heslington York YO1 5YW (GB).	
(22) International Filing Date: 23 December 1998 (23.12.98)		(74) Agent: KIRSCH, Susan; Unilever plc, Patent Division, Colworth House, Sharnbrook, Bedford MK44 1LQ (GB).	
(30) Priority Data: 9801408.7 22 January 1998 (22.01.98) GB		(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).	
(71) Applicant (for all designated States except AU BB CA CY GB GD GH IE IL KE LK LS MN MW NZ SD SG SZ TT UG US): UNILEVER N.V. [NL/NL]; Weena 455, NL-3013 AL Rotterdam (NL).		Published <i>With international search report.</i> <i>Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</i>	
(71) Applicant (for AU BB CA CY GB GD GH IE IL KE LK LS MN MW NZ SD SG SZ TT UG only): UNILEVER PLC [GB/GB]; Unilever House, Blackfriars, London EC4P 4BQ (GB).			
(72) Inventors; and (75) Inventors/Applicants (for US only): JARMAN, Carl, Dudley [GB/GB]; Unilever Research Colworth, Colworth House, Sharnbrook, Bedford MK44 1LQ (GB). SIDEBOTTOM, Christopher, Michael [GB/GB]; Unilever Research Colworth, Colworth House, Sharnbrook, Bedford MK44 1LQ (GB). TWIGG, Sarah [GB/GB]; Unilever Research Colworth, Colworth House, Sharnbrook, Bedford MK44 1LQ (GB). WORRALL, Dawn [GB/GB]; University of York,			
(54) Title: FROZEN FOOD PRODUCT			
(57) Abstract			
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Frozen Food product5 Technical Field of the Invention

The invention relates to anti-freeze proteins (AFPs) and frozen food product containing AFPs.

10 Background to the Invention

Anti-freeze proteins (AFPs) have been suggested for improving the freezing tolerance of foodstuffs.

15 For the purpose of the invention, the term AFP has the meaning as well-known in the art, namely those proteins which exhibit the activity of inhibit the growth of ice crystals. See for example US 5,118,792.

20 WO 90/13571 discloses antifreeze peptides produced chemically or by recombinant DNA techniques. The AFPs can suitably be used in food-products. Example 3B shows modified ice crystal shapes if a water-ice mixture is frozen into a film in combination with 0.01 wt% of AFP.

25

WO 92/22581 discloses AFPs from plants which can be used for controlling ice crystal shape in ice-cream. This document also describes a process for extracting a polypeptide composition from extracellular spaces of plants

30 by infiltrating leaves with an extraction medium without rupturing the plants.

WO 94/03617 discloses the production of AFPs from yeast and their possible use in ice-cream. WO 96/11586 describes fish

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AFPs produced by microbes.

Several literature places also mention the isolation and/or use of plant proteins for cryoprotection. Cryoprotective proteins have a function in the protection of plant membranes against frost damage. These proteins, however, do not possess recrystallisation inhibition properties and are, therefore, not embraced within the terms AFPs.

10 Hinch in Journal of Plant Physiology, 1992, 140, 236-240 describes the isolation of cryoprotective proteins from cabbage. Volger in Biochimica et Biophysica Acta, 412 (1975), 335-349 describes the isolation of cryoprotective leaf proteins from spinach. Boothe in Plant Physiol (1995), 15 108: 759-803 describes the isolation of proteins from Brassica napus. Again, these proteins are believed to be cryoprotective proteins rather than AFPs. Neven in Plant Molecular Biology 21: 291-305, 1993 describes the DNA characterisation of a spinach cryoprotective protein.

20 Salzman in Abstracts and Reviews of the 18th Annual Meeting of the ASEV/Eastern Section in Am. J. Enol. Vitic., Vol. 44, No. 4, 1993 describes the presence of boiling-stable polypeptides in buds of Vitis. Although the proteins are analogous to fish antifreeze peptides, they are

25 cryoprotective proteins and not AFPs. Lin in Biochemical and Biophysical Research Communication, Vol. 183, No. 3, 1992, pages 1103-1108 and in Lin, Plant Physiology (1992) 99, 519-525 describes the 15 kDa cryoprotective polypeptide from Arabidopsis Hakaira. Houde in The Plant Journal (1995) 30 8(4), 583-593 mentions cryoprotective proteins from wheat.

Up till now, however the use of AFPs has not been applied to commercially available food products. One reason for

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this are the high costs and complicated process for obtaining AFPs. Another reason is that the AFPs which until now have been suggested for use in frozen food products cannot be incorporated in the standard formulation mix, because they tend to destabilise during processing especially during the pasteurisation step. This destabilisation is believed to be caused by the denaturation of the AFPs; this is a well-known effect commonly observed for peptides and proteins.

10

In our non pre-published patent application: PCT/EP97/03634 it has been described that AFPs can be isolated from natural sources such as cold-acclimatised grass by means of a new relatively simple process. This process leads for the first time to the identification of AFPs which can conveniently be incorporated in a mix for the preparation of frozen products before the pasteurisation thereof.

This process for the recovery of AFPs from grass involves the steps of

- a) isolating a AFP containing juice from the grass;
- b) heat treating the grass or the AFP containing juice to a temperature of at least 60°C;
- c) removing the insoluble fraction.

25

Step c of the above process will usually take place after steps a and b. Step a and b can be done in any desired order, for example step a followed by step b (in that case the AFP rich juice will be heated) or step b followed by step a (in that case the natural source will be heated) or step a and b simultaneously.

This process has a number of advantages. Firstly by using the process it is no longer necessary to avoid rupturing of

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the grass such as required in the processes according to WO 92/22581. This immediately significantly increases the commercial applicability of the process, for example as compared to WO 92/22581, because high investment costs for specific processing are no longer necessary. Also by using the high temperatures it seems possible to extract from a large group of peptides present in the grass a very active AFP which is very active w.r.t. ice-recrystallisation inhibition properties. Thirdly, contrary to expectations, the use of high temperatures does not denature all the proteinaceous material, but does only seem to denature some of the proteins, while the remaining grass AFP have an increased temperature stability. This renders it possible to include the isolated AFPs in compositions which need to be subjected to higher temperatures e.g. a pasteurisation step. This is especially surprising, because for example the AFPs from WO 92/22581 appear not stable under heating conditions.

The process as described above includes in step b the heating of the grass or the AFP rich juice to a temperature of more than 60°C. Preferably the temperature is from 60 to 110 °C, most preferably from 80 to 105°C. The heating step can take place after the isolation of the protein rich juice (step a) or before the isolation of the protein rich juice. Any suitable way to heat the juice can be used, for example conventional or microwave heating, heating optionally with an added extraction medium, steaming etc.

If an extraction medium is used, preferably it is used in small volumes to avoid unnecessary dilution of the AFP fraction. Any suitable extraction medium can be used, although the use of water is especially preferred. If desired, additives may be added to the water prior to using

it as an extraction medium. Most preferred, however water substantially free of additives is used.

Applicants have also found that by the above process a very
5 active AFP derived from grass can be derived. For the purpose of the invention the term grass encompasses members of the Gramineae family including for example perennial grass such as *Lolium perenne*, *Parapholis strigosa*, *Nardus stricta*, *Catapodium loliaceum* and *Lolium multiflorum*,
10 *trivialis*, *Poa pratensis* and cereal crops such as winter rye, winter wheat and winter barley. Applicants have determined the amino acid sequence of this AFP.

Surprisingly it has been found that very active AFPs which
15 can be derived from plants are characterised by a high level of the amino acids: Serine (S), Threonine (T) and Asparagine (N). In particular applicants have found that preferred AFPs of the invention are characterised in that at least 40% of the amino acids in the protein are selected
20 from S, T and N. Preferably the AFPs are derived from grasses, especially the Gramineae family.

The preferred molecular weight of AFPs of the invention is from 8 to 16 kDa, more preferred 10-14 kDa, where this
25 molecular weight is determined from the gene sequence or by mass spectrometry of the unmodified form e.g. in unglycosylated form.

A second aspect of the invention relates to an AFP which
30 can be derived from grass, said AFP having an amino acid sequence from the N-terminus of:

D-E-Q-P-N-T-I-S-G-S-N-N-T-V-R-S-G-S-K-N-V-L-A-G-N-D-N-T-V-
I-S-G-D-N-N-S-V-S-G-S-N-N-T-V-V-S-G-N-D-N-T-V-T-G-S-N-H-V-
5 V-S-G-T-N-H-I-V-T-D-N-N-N-N-V-S-G-N-D-N-N-V-S-G-S-F-H-T-V-
S-G-G-H-N-T-V-S-G-S-N-N-T-V-S-G-S-N-H-V-V-S-G-S-N-K-V-V-T-
10 D-A

Also embraced in the scope of our invention are proteins having a sequence which has a high degree of similarity with the above sequence. For the purpose of the invention
15 all RI active proteins having an amino acid sequence of at least 80% overlap with the above sequence are also embraced in the scope of the invention. More preferred is an overlap of at least 90%, most preferred more than 95%, e.g. those amino acid sequences which differ none or only one or two
20 amino acids with the above sequence. Also isoforms of the above protein are embraced within the invention.

Also embraced within the scope of the present invention are modified versions of the above described proteins whereby
25 said modification does not materially affect the ice recrystallisation inhibition properties, such as glycosylated versions thereof.

The AFP rich juice can be separated from the grass by any
30 convenient process for example pressing, filtering, homogenising, extraction etc. Preferably the grass is made into small pieces or into a slurry before the protein rich fraction is collected, for example by filtering. This maceration can be done by any suitable method, for example

in a blender. It will be well within the ability of the skilled person to divide the material into such a form that collection of the protein rich juice can readily take place.

5

After collecting and heating (in the desired order) the protein fraction the resulting AFP containing sample can then be treated by any convenient process in order to remove the insoluble fraction and retain the AFP rich liquid fraction. The insoluble fraction can be removed e.g. by filtering, precipitation etc. The AFP rich liquid can then advantageously be further processed to concentrate or isolate the AFPs to bring them in a form suitable for further use. Examples of suitable processes are drying to obtain a powder or paste, further concentration to obtain an AFP concentrate, chromatography to separate the AFPs from the extraction medium etc. Again it will be well within the ability of the skilled person to determine the suitable means and conditions for appropriate isolation.

20

Applicants have also determined the nucleic acid sequence that encodes the above described AFP. Accordingly a second aspect of the invention relates to a nucleic acid sequence capable of encoding for the AFPs of the invention.

25 Preferably said nucleic acid has the sequence of:

GAT GAA CAG CCG AAT ACG ATT TCT GGG AGC AAC AAT ACT GTC AGA
TCC GGG AGC AAA AAT GTT CTT GCT GGG AAT GAC AAC ACC GTC ATA
5 TCT GGG GAC AAC AAT AGT GTG TCT GGG AGC AAC AAC ACT GTC GTA
AGT GGG AAT GAC AAT ACC GTA ACC GGC AGC AAC CAT GTC GTA TCA
GGG ACA AAC CAT ATC GTT ACA GAC AAC AAC AAT AAC GTA TCC GGG
AAC GAT AAT AAT GTA TCC GGG AGC TTT CAT ACC GTA TCC GGG GGG
CAC AAT ACT GTG TCC GGG AGC AAC AAT ACC GTA TCT GGG AGC AAC
10 CAC GTT GTA TCT GGA AGC AAC AAA GTC GTG ACA GAC GCT TAA

Also embraced within the scope of the present invention are
alleles or other nucleic acid sequences which are capable
to encode the above described AFPs, for example those
15 nucleic acid sequences wherein wrt the above sequence one
or more codons have been replaced by their synonyms (i.e.
codons encoding for the same amino acid).

Vectors containing a nucleic acid sequence capable of
20 encoding the AFP of the invention are also embraced within
the scope of the invention.

Based on the above information it is also possible to
genetically modify other natural sources such that
25 they produce the advantageous AFP as identified here-above.

Applicants also have found that AFPs of the above sequence
have improved ice-recrystallisation inhibition properties.
A suitable test for determining the ice recrystallisation
30 inhibition properties is described in the examples and
involves the quick freezing to -40°C followed by storage

for one hour at -60°C. Preferably AFPs which are subject to this test after heat-treatment result in an ice crystal particle size which is less than 5 μm larger than the ice crystal size of a sample with the same AFP which was not heat-treated. Preferably the difference is less than 3 μm , most preferred less than 1 μm .

Preferably those AFPs are chosen which have significant ice-recrystallisation inhibition properties. A suitable test for determining the recrystallisation inhibition properties is indicated in the examples. Preferably AFPs in accordance to the invention provide a ice particle size following an ice recrystallisation inhibition assay -as described in the examples- of 15 μm or less, more preferred from 5 to 15 μm .

The AFP of the invention can conveniently be used in food products, preferably in food products which are frozen or intended to be frozen. Especially preferred is the use of AFPs in products which are heated e.g. by pasteurisation, blanching or sterilisation prior to freezing. Especially preferred is the use in frozen confectionery products.

Examples of such food products are: frozen confectionery mixes such as ice-cream mixes and water-ice mixes which are intended to be pasteurised prior to freezing. Such mixes are usually stored at ambient temperature. Suitable product forms are for example: a powder mix which is packed for example in a bag or in sachets. Said mix being capable of forming the basis of the frozen food product e.g. after addition of water and optionally other ingredients and - optional- aeration.

Another example of a suitable mix could be a liquid mix (optionally aerated) which, if necessary after addition of further components and optional further aeration can be frozen.

5

The clear advantage of the above mentioned mixes is that the presence of the AFP ingredient makes that the mixes can be frozen under quiescent conditions, for example in a shop or home freezer without the formation of unacceptable ice
10 crystal shapes and hence with a texture different to products normally obtained via quiescent freezing.

Very conveniently these mixes are packed in closed containers (e.g. cartons, bags, boxes, plastic containers
15 etc). For single portions the pack size will generally be from 10 to 1000 g. For multiple portions pack sizes of up to 500 kg may be suitable. Generally the pack size will be from 10 g to 5000 g.

20 As indicated above the preferred products wherein the AFPs are used are frozen confectionery product such as ice-cream or water-ice. Preferably the level of AFPs is from 0.00001 to 0.5 wt% based on the final product. If dry-mixes or concentrates are used, the concentration may be higher in
25 order to ensure that the level in the final frozen product is within the above ranges.

For the purpose of the invention the term frozen confectionery product includes milk containing frozen
30 confections such as ice-cream, frozen yoghurt, sherbet, sorbet, ice milk and frozen custard, water-ices, granitas and frozen fruit purees. For some applications the use in fermented food products is less preferred.

Preferably a the level of solids in the frozen confection (e.g. sugar, fat, flavouring etc) is more than 4 wt%, for example more than 30 wt%, more preferred from 40 to 70wt%.

5 Frozen confectionery products according to the invention can be produced by any method suitable for the production of frozen confectionery. Especially preferably however all the ingredients of the formulation are fully mixed before pasteurisation and before the freezing process starts. The
10 freezing process may advantageously involve a hardening step, for example to a temperature of -30 Celsius or lower.

Example I

Isolation of AFPs by first heating grass, followed by isolating the AFP rich juice and isolation of the AFP.

5

Mixed grass tissue (Poa Trivialis, Lolium Perenne, Holcus Lanatus, Bromus Sterilis) was cut in January (mean temperature in that month was 3.5 °C ensuring the appropriate cold acclimatization of the plants). The grass
10 tissue was rapidly transported into the laboratory for further handling and washed thoroughly with water to remove dirt.

500 g of grass clippings was placed in a 650 Watt microwave
15 oven and heated at full power for 5 minutes, whereby the temperature was raised to 85 to 100°C. The grass clippings were then cooled to ambient temperature.

Alternatively the grass clippings are mixed with 500 g
20 boiling water and the mixture is re-heated to 100 °C followed by boiling for 10 minutes under stirring and then allowed to cool to 60 °C.

After the heating step the AFP rich juice was separated
25 from the clippings by filtering. The mass was stirred continuously for 5 minutes in the presence of an equal volume of water and then squeezed through 3 layers of muslin.

30 The supernatant can be freeze dried to remove the water followed by storage. Alternatively the supernatant can be frozen for storage.

Example II

A liquid premix for the preparation of ice-cream was prepared by mixing:

5		
	Ingredient	% by weight
	Skimmed milk powder	10.00
	sucrose	13.00
	maltodextrine (MD40)	4.00
10	Locust bean gum	0.14
	butter oil	8.00
	monoglyceride (palmitate)	0.30
	vanillin	0.01
	AFP (of example I*)	0.01 or none (control)
15	water	balance

*Note: AFP is added as concentrated AFP solution in some of the water, percentage refers to amount of AFP.

20

The ingredients were mixed at ambient temperature followed by pasteurisation for 60 seconds at 89°C. The mix was aseptically filled into packs of 500 ml, sealed and stored at ambient temperatures.

25

The mix can be used for the preparation of ice-cream by whipping it with a conventional house-hold mixer to an overrun of about 70 % followed by freezing under quiescent conditions in a house-hold freezer.

30

After two months storage the composition according to the invention had a markedly better texture than the control sample.

Example III

The ice recrystallisation inhibition properties of the AFPs can be determined as follows:

5

A sample of an AFP containing product was adjusted to a sucrose level of 30 wt% (If the starting level of the sample was more than 30% this was done by dilution, if the starting level was lower sucrose was added to the 30% level).

A 3 μ L drop of the sample was placed on a 22 mm coverslip. A 16 mm diameter cover-slip was then placed on top and a 200 g weight was placed on the sample to ensure a uniform slide thickness. The edges of the coverslip were sealed with clear nail varnish.

The slide was placed on a Linkham THM 600 temperature controlled microscope stage. The stage was cooled rapidly (50 $^{\circ}$ C per minute) to -40 $^{\circ}$ C to produce a large population of small crystals. The stage temperature was then raised rapidly (50 $^{\circ}$ C per minute) to -6 $^{\circ}$ C and held at this temperature.

25 The ice-phase was observed at -6 $^{\circ}$ C using a Leica Aristoplan microscope. Polarised light conditions in conjunction with a lambda plate were used to enhance the contrast of the ice crystals. The state of the ice phase (size of ice crystals) was recorded by 35 mm photomicrography at T=0 and T=1 hour.

Generally this test can be applied to any suitable composition comprising AFP and water. Generally the level of AFP in such a test composition is not very critical and

can for example be from 0.0001 to 0.5 wt%, more preferred 0.0005 to 0.1 wt%, most preferred 0.001 to 0.05 wt%, for example 0.01 wt%

5 Any suitable composition comprising AFP and water can be used to carry out the test. Generally, however, it will not be necessary to obtain the AFP in purified form. For practical applications normally it would suffice to prepare a liquid extract or juice of natural material, wherein this
10 extract or juice can then be tested.

This method can be applied for example to the AFP containing extracts as obtained in example I, with or without a concentration step.

15

The recrystallisation inhibition properties of several samples was measured. The AFP juices obtained after extraction and heating in accordance to example I were measured for their recrystallisation properties as above.

20

Non heat treated grass extract from grass harvested in January was obtained from Silsoe (UK). The extract was centrifuged for 1 hour to remove soil and insoluble debris as follows, Centrifuge: Sorvall RC3C, Rotor: H6000A,

25 Temperature: +5°C, Rotor Speed: 5000rpm(7268g).

A sample of the extract was freeze dried to determine its total solids content. This was found to be 11.48 mg/ml. The dried extract was then rehydrated with 30% Sucrose solution
30 to its original total solids concentration. Several solutions were prepared by diluting the extract as necessary with 30% Sucrose solution.

Ice crystal recrystallisation inhibition activity was

measured using the assay as described above.

The T=0 and T=1 hour pictures from the recrystallisation inhibition assays had their mean ice crystal sizes measured 5 using the Zeiss TGA 10 analyser. The ice-crystal size (length) was determined by drawing around the perimeter of the crystals. The maximum length for each individual ice crystal of a batch of ice cream was imported into a spreadsheet where analysis of the data set was carried out 10 to find the mean, and standard deviation.

The results obtained are shown in the table below.

Sample	Total Solids (mg/ml)	Ice Crystal Size (μm)		Ice Crystal Growth in 1 hour at -6°C (μm)
		T=0	T=1 hour at -6°C	
Undiluted	11.48	5.2	7.3	2.1
50% Extract	5.74	5.5	7.6	2.1
25% Extract	2.87	6.3	8.9	2.6
12.5% Extract	1.435	6.6	13.1	6.5
6.25% Extract	0.7175	8.1	14.7	6.6
3.125% Extract	0.359	7.4	17.0	9.6
1.5625% Extract	0.179	9.0	20.3	11.3

15 These results show the variation in final crystal size and the change in ice crystal size over 1 hour at -6°C for the

various dilutions of grass extract. It can be seen that the solids level in the grass extract can be varied in a wide range while still good recrystallisation inhibition properties are obtained. Preferably those concentrations
5 are chosen which result in an ice crystal size after 1 hour of 15 micrometer or less.

A similar test was done with grass extract which had been subjected to heat treatment (10 minutes at 100 °C). No
10 significant deterioration of recrystallisation inhibition properties was seen.

Additionally the grass extracts of example I were tested using the same recrystallisation inhibition test. The
15 following results were obtained:

Heat treatment	Crystal Size in μm	
	T=0	T=1
20 60 °C 1 hour	9.6	11.1
Boil 10 minutes	9.8	11.3

These results show that even after heating the extract of cold acclimatised grass maintained the ability to inhibit
25 ice crystal growth.

Example IV

Seed of perennial rye grass (*Lolium perenne*) was supplied by
5 Barenbrug (UK) Ltd. The seed was planted in 9 inch pots in
Levingtons No.2 compost and after germination, which usually
occurred between 4-7 days after planting, the plants were
grown on in the glass house for a further 7-10 days until
they were approximately 15-20cm high. The plants were then
10 transferred to a cold room for cold acclimation. Acclimation
was for 30 days at +4°C with 8-16 hours light/dark.

Cold acclimated leaves were cut and homogenised in 50mM
Tris, 10mM EDTA adjusted to the required pH with
15 concentrated HCl. Homogenisation was for 2x 30s in a Waring
blender with a 2.5:1 ratio (w/w) of buffer to leaf.

The homogenate was then placed in a boiling water bath for
10 minutes and collected through four layers of muslin. The
20 collected supernatant was further centrifuged at 15,000 xg
in the 8 x 50ml rotor of a Sorvall centrifuge.

Ice recrystallisation properties were tested by the method
described in example III.

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Heat stable extract (10-50ml) was concentrated approximately
ten-fold in an Amicon concentrator using a PM10 membrane.
1ml aliquots of concentrate were desalted on a Fast
Desalting Column on a FPLC separation system (Pharmacia).
30 The column was run at 1ml min⁻¹ in 50mM Tris/Cl, 10mM EDTA,
pH8.5. Fraction (1ml) collection was initiated as soon as
the monitored O.D. 280nm started to rise. The RI active

fractions were pooled, typically in a volume of 3ml.

The RI activity was loaded onto a Mono Q (HR5 x 5) column equilibrated in the same Tris, pH8.5 buffer. The pass was collected as a single fraction and the column was immediately eluted with a linear gradient of 0-0.25M NaCl over 25 minutes at 1 ml min⁻¹. The whole activity was routinely found to remain unbound eluting solely in the pass fraction.

10

The pass fraction was readjusted, carefully to pH9.5 using 1 microlitre drops of 4M NaOH and loaded onto the Mono Q column which had been re-equilibrated in Tris buffer pH9.5. The pass was collected as a single fraction and then the column was immediately eluted with a 0-0.25M NaCl linear gradient over 25 minutes. The flow rate was 1ml min⁻¹ and 1ml fractions were collected for RI assay. The whole activity was found to have bound to the column and no activity was found in the pass fraction. Activity eluted as a single peak between 0.08 and 0.14M NaCl.

The active peak fractions from the Mono Q column were pooled, concentrated to 50 microlitre on a PM10 Centricon concentrator and loaded onto a Sephadex 75 column on the Smart system (Pharmacia). The column was equilibrated in 50mM Tris/Cl pH9.5 buffer and the flow rate was 50 microlitre min⁻¹. Sample collection was delayed for 1.0 microlitre to allow for the void volume of the column and then 50ml fractions were collected. The active fractions were run on SDS PAGE.

Samples were run on 10% Nu Page gels from Novex. The samples and gel buffer were prepared as described in the

manufacturers instructions and gels were stained using a Novex silver staining kit. The active fractions contained a single stained protein band with an apparent molecular weight of 29 kDa.

5

Protein samples were also separated by SDS PAGE followed by electroblotting onto PVDF membrane based on the method of Matsudaira in 10mM CAPS buffer, pH 11.0, 10% methanol. The membrane was wetted in methanol and then equilibrated in
10 Caps buffer for 10 minutes. Blotting was for 16 hours at 20 volts constant voltage. After blotting the proteins were visualised by staining the membrane with 0.2% coomassie brilliant blue in 50% methanol, 1% acetic acid for 1 minute. The membrane was then destained with 50% methanol until the
15 proteins bands were clearly visible. The membrane was washed in Milli Q water, air dried and stored at -20 OC.

The N-terminus of the 29 kDa band was sequenced as follows by conventional methods providing the amino acid sequence
20 of:

The 29 kDa protein, believed to be the boiling tolerant RI active was immobilised onto PVDF membrane after separation by SDS PAGE and subjected to protein sequencing of the amino-terminus and 15 of the first 17 residues were
25 successfully sequenced. A 27 kDa protein isolated from *Poa pratensis* was also sequenced at the N-terminus (Table 1) and shown to have a similar sequence suggesting that it is part of the same protein family. This implies that there is a single class of AFPs responsible for the boiling tolerant RI
30 activity in Gramineae.

Table 1

Alignment of the N-terminal sequences of the 29 kDa boiling

tolerant RI active protein from *Lolium perenne* and the 27
kDa protein from *Poa pratensis*

<i>Lolium</i>	- D E Q P N T I S G X N N T V R X G
<i>Poa</i>	- A E T P N T I S G T N N

Example V

The initial extraction was with a 1:1 mix of phenol and
5 chloroform followed by an extraction with chloroform. The
phenol will denature the proteins exposing the hydrophobic
amino acid residues allowing the protein to partition
preferentially into the organic phase. The more hydrophilic
nucleic acids and carbohydrates partition into the aqueous
10 phase. Proteins with a significant degree of glycosylation
may also partition into the interface. The chloroform is
present as the protein partitions more efficiently when two
different organic solvents are used and the final
chloroform extraction removes any remaining traces of
15 phenol.

The heat stable extract prepared from leaves of *Lolium*
perenne plants was concentrated approximately ten fold
using an Amicon ultrafiltration chamber with a 10kDalton
20 cut-off membrane. The resulting concentrate (0.05ml) was
loaded onto a Superdex 75 PC 3.2/30 gel filtration column
running on a Smart microseparation system (Pharmacia). The
column was eluted with 50mM Tris/Cl buffer pH 9.5 at a flow
rate of 0.05ml min⁻¹ and 0.05 ml fractions collected. The
25 fractions were assayed for ice recrystallisation inhibition
activity and the most active fractions were pooled
together. These were then loaded onto a Mono Q PC 1.6/5
column, equilibrated in 50mM Tris/Cl buffer pH9.5, also run
on the Smart system at a flow rate of 0.1ml min⁻¹. After
30 loading and washing, the column was eluted with a linear
gradient of 0 - 0.4 M sodium chloride and 0.1ml fractions
collected. The fractions were assayed and the activity
eluted as a single peak at approximately 0.1M sodium

chloride.

The active fraction was vortexed in an equal volume of phenol:chloroform:isoamyl alcohol (1:1[24:1]) for 1 minute. 5 It was then centrifuged at 13,000 x g for 30 minutes. The aqueous (upper) and organic (lower) phases were collected separately, no interface was observable. The two phases were then precipitated by the addition of ten volumes of cold acetone and held at - 20°C for 16 hours. The resulting 10 pellets were resuspended in 50 mM tris/Cl buffer, assayed for RI activity and run on SDS PAGE.

Assay of the resuspended fractions showed that the RI activity was found to partition completely into the aqueous 15 phase. The organic phase contained no RI activity even after the fraction had been denatured/renatured in 6M guanidine hydrochloride. This was an unexpected result as a protein would usually have been expected to partition into the organic phase, or a glycoprotein into the interface. 20 However, analysis by SDS PAGE showed that although the majority of the proteins were in the organic phase a single protein band with an apparent molecular weight of 29 kDa was visible in the active aqueous fraction but absent from the organic phase. The band stained with a different colour 25 from the other proteins and was very diffuse.

A similar phenol:chloroform extraction was carried out on the boiling tolerant extract prepared from the cold acclimated leaves of a broad leaved perennial meadow grass 30 (*Poa pratensis* var *Barcelona*) and this also demonstrated preferential partitioning of the RI activity into the aqueous phase and a protein of apparently 27 kDa on SDS PAGE.

Protein sequencing of the N-termini of the proteins confirmed that they were identical to the AFPs described in example IV.

5

Example VI

A degenerate oligonucleotide primer (Lol 1) was designed and synthesised from the protein N-terminus sequence (ASP-
10 GLU-GLN-PRO-ASN-THR-ILE), as GAYGARCARCCIAAYACIAT where Y = C+T, R = A+G and I = Inosine.

First strand cDNA was prepared from 5µg of 30 day cold acclimated Lolium perenne leaf RNA using Superscript
15 Reverse Transcriptase (Stratgene) and an oligonucleotide primer OG1 (GAGAGAGGATCCTCGAG (T) 15) according to the manufacturers instructions. 1% of the first strand cDNA was used as a template, together with Lol1 and OG1 primers, in PCR reactions. The reactions were carried out in a thermal
20 cyclor using Taq DNA Polymerase (Gibco BRL) for 30 cycles (1minute at 94°C, 1 minute at 55°C and 1 minute at 72°C) after an initial denaturation step of 2 minutes at 94°C.

A PCR product of ~ 600 bp was amplified and subsequently
25 purified from a 1% agarose gel and cloned into the pTA vector (R&D systems) according to the manufacturers instructions. The cloned PCR product was sequenced on a Perkin Elmer (Applied Biosystems) automated DNA sequencer using T3 and T7 primers. It contained an open reading frame
30 substantially similar to:

GAT GAA CAG CCG AAT ACG ATT TCT GGG AGC AAC AAT ACT GTC AGA
TCC GGG AGC AAA AAT GTT CTT GCT GGG AAT GAC AAC ACC GTC ATA

TCT GGG GAC AAC AAT AGT GTG TCT GGG AGC AAC AAC ACT GTC GTA
AGT GGG AAT GAC AAT ACC GTA ACC GGC AGC AAC CAT GTC GTA TCA
GGG ACA AAC CAT ATC GTT ACA GAC AAC AAC AAT AAC GTA TCC GGG
AAC GAT AAT AAT GTA TCC GGG AGC TTT CAT ACC GTA TCC GGG GGG
5 CAC AAT ACT GTG TCC GGG AGC AAC AAT ACC GTA TCT GGG AGC AAC
CAC GTT GTA TCT GGA AGC AAC AAA GTC GTG ACA GAC GCT TAA

and the deduced amino acid sequence was substantially
similar to:

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D-E-Q-P-N-T-I-S-G-S-N-N-T-V-R-S-G-S-K-N-V-L-A-G-N-D-N-T-V-
I-S-G-D-N-N-S-V-S-G-S-N-N-T-V-V-S-G-N-D-N-T-V-T-G-S-N-H-V-
V-S-G-T-N-H-I-V-T-D-N-N-N-N-V-S-G-N-D-N-N-V-S-G-S-F-H-T-V-
S-G-G-H-N-T-V-S-G-S-N-N-T-V-S-G-S-N-H-V-V-S-G-S-N-K-V-V-T-

15 D-A

The open reading frame codes for a protein of ~ 12kDa
molecular weight, which is considerably less than the
apparent molecular weight on SDS PAGE of 29 kDa. The coding
20 sequence is also observed to contain six recognised
glycosylation sites (ASN-X-SER/THR) and a substantial
number of SER and THR residues which may also be
glycosylated. This evidence suggests that the native
protein isolated from Lolium is highly glycosylated.
25 However protein that has been enzymically deglycosylated
still retains ice recrystallisation inhibition activity
suggesting that the glycosylation is not essential for the
protein to be active.

30

Example VII

To prove that the *Lolium perenne* cDNA described in example VI codes for an AFP, expression of the coding region was carried out. A strain of *Pichia pastoris*, a methylotrophic yeast, was created containing the *Lolium* AFP cDNA.

The *Lolium* cDNA was cloned into a pPIC9 vector with an α - factor signal sequence to ensure secretion from the cell and glycosylation. All enzymes were from Boehringer Mannheim and used according to the manufacturers instructions. Construction of expression vectors, transformation and growth of *Pichia* were all as described in the Invitrogen *Pichia* Expression Kit (Version B) Manual.

15

The *Lolium* cDNA was cloned into the pPIC9 vector as a PCR amplification fragment, with compatible restriction ends for ligation into the pPIC9 vector. This was produced using *Lolium* cDNA as the template and the primers
20 GTATCTCTCGAGAAAAGAGATGAGCAGCCGAACACGATT and
TTAATTCGCGGCCGCCTGTAGGAAAAGTATGGTATATC which introduced a *Xho*I restriction site at the 5' end and a *Not*I restriction site at the 3' end of the amplification fragment and ensured that the *Lolium* cDNA was in frame with the
25 secretion signal open reading frame. The reactions were carried out in a thermal cycler using Taq DNA polymerase and Pfu proof reading enzyme (Boehringer Mannheim) for 30 cycles (1 minute at 94°C, 1 minute at 55°C and 1 minute at 72°C). All subsequent PCR reactions were carried out under
30 the same conditions but without Pfu enzyme. The *Xho*I/*Not*I cDNA fragment was then cloned into the *Xho*I/*Not*I digested pPIC 9 vector and transformed into competent *E. coli* cells

(strain XL1-blue). After transformation, they were plated onto LB plates with 50µg ml ampicillin and grown at 37°C for 16 hours. Then, 20 ampicillin resistant transformants were picked and analysed for integration of the Lolium cDNA 5 by PCR using the 5' AOX1 and the 3' AOX1 primers that had been synthesised as specified in the Invitrogen Kit Manual.

Plasmid DNA was isolated from four positive transformants 10 by miniprep and linearised by digestion with Sall for transformation into Pichia cells that had been grown and washed as described in the Invitrogen Manual. The linearised DNA digests were electroporated into the Pichia cells using a BioRad GenePulser as recommended and after 15 addition of ice cold 1M sorbitol spread on MD plates and grown at 30°C for 24 hours until colonies were visible. 16 transformants were then picked onto fresh MM and MD plates and transformants that grew normally on the MD plates but more slowly on the MM plates were selected. These 20 transformants were then analysed by PCR using the 5' and 3' AOX1 primers and 8 positives were tested for expression.

Initially the colonies were innoculated into BMGY medium and grown at 30°C for 24 hours after which the cells were 25 spun down and transferred to BMMY medium to induce expression and returned to 30°C for a further 24 hours. Two more additions of methanol to 0.5% were made at 24 and 48 hours to maintain induction. The cells were then removed by centrifugation and an aliquot of the medium adjusted to 30% 30 sucrose and assayed for ice recrystallisation inhibition activity. The medium of all the transformants contained significant RI activity whereas medium produced in the same way from control Pichia without the integrated Lolium cDNA

had no activity.

The above example demonstrates that the protein isolated from *Lolium perenne* and the corresponding cDNA represent an 5 RI active AFP.

Example VIII

E.coli XL-1 blue was used for all cloning steps; cultures 10 were grown on 2YT medium with selection by Ampicillin or Kanamycin as appropriate. All oligonucleotide primers were synthesised on a Perkin Elmer 381A DNA Synthesiser, using the phosphoramidite method as recommended by the manufacturers. Nurse culture plates were prepared by 15 plating 2ml of a cell suspension of *Nicotiana bethiana* on a petri dish containing 25 ml of MS salts, B5 vitamins (1mg L nicotinic acid, 1 mg L pyridoxine, 10mg L thiamine, 100 mg L inositol) + 1 mg L 2-4D, 0.2 mg L BAP & 0.8% agar. The cells were swirled to cover the agar and then covered with 20 a sterile filter paper disc.

Selection media = MS basal media + 3% sucrose, 0.2 mg L IAA, 1 mg L BAP, 0.9% agar + 500 mg L cefotaxime & 100 mg L kanamycin.

25 The Lol1 sequence encoding the AFP, and a PR1a apoplastic targeting sequence, were PCR amplified with 5' and



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3' oligonucleotide primers designed to generate the appropriate restriction sites to allow them to be ligated together at a BamHI site and the annealed product inserted into an NcoI/EcoRI opened pUC intermediate plasmid vector 5 (Messing 1983). The Lol1 AFP was separately inserted into three pUC vectors behind different promoter sequences (Granule bound starch synthase; cauliflower etched ring virus; double 35S cauliflower mosaic virus). They were then further cloned into a plant transformation binary vector 10 and introduced into tobacco using *Agrobacterium* mediated transformation.

PCR reaction mixtures contained 5µl of x10 Taq reaction buffer, 1µl of dNTPs, 1µl of 5' and 3' primers (50 pmol 15 µl), 1µl of template Lol1, 0.5µl of Taq polymerase and 0.05µl of pfu proof reading enzyme. Tubes were overlayed with mineral oil and subjected to 30 cycles of 1 minute at 94°C, 1 minute at 55°C and 1 minute at 72°C after an initial denaturation step of 2 minutes at 94°C.

20

Digestions of PCR amplification products were carried out with the appropriate restriction enzymes in the recommended buffer (Boehringer Mannheim) for 16 hours at 37°C.

Digestion mixtures were separated on a 1% agarose gel and 25 the relevant bands excised and purified using the Qiagen



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quick DNA gel purification kit following the manufacturers recommendations.

Insert and plasmid vector were ligated with T4 ligase and 5 x10 buffer as recommended by Stratgene for 16 hours at 16C. Competent *E.coli* cells were transformed using 2µl of ligation reaction, plated out and grown at 37°C overnight. Transformants were identified by PCR using specific 5' and 3' primers. Plasmid DNA was then isolated as described in 10 Maniatis Volume 1 and correct assembly confirmed by restriction digest analysis.

The HindIII/EcoRI inserts were excised and ligated as before into HindIII/EcoRI digested general plant 15 transformation vector (GPTV). Competent *E.coli* were transformed and transformants identified by PCR; subsequently isolated plasmid DNA was confirmed to be correct by sequencing.

20 The three different GPTV vectors were separately transformed into *Agrobacterium tumefaciens* (strain LBA 4404) using the freeze thaw method as described in the Plant Molecular Biology manual PMAN A3\7.

25 *Nicotiana tabacum* (var Petit Havana) seeds were surface



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sterilised for 10 minutes with a solution of 10% sodium hyperchlorite and after rinsing three times with distilled water, were transferred to Murashige & Skoog basal medium + 3% sucrose + 0.9% agar. The seeds were grown for two weeks 5 and then thinned to 2 per vessel after which sterile plantlets were obtained by taking monthly shoot cuttings into MS basal medium + 3% sucrose + 0.9% agar.

Agrobacterium cells containing the appropriate plasmid were cultured overnight in Lennox broth (5g L⁻¹ NaCl, 10 g L⁻¹ 10 yeast extract, 10 g L bacto tryptone and 15g L agar), after which they were recovered by centrifuging for 10 minutes at 3000 x g and resuspended in MS basal medium + 3% sucrose. Tobacco leaf discs cut with a sterile cork borer were infected by incubating for 10 minutes with the 15 *Agrobacterium* culture after which they were patted dry on sterile filter paper and plated face down on a nurse culture plate of tobacco cells.

The infected leaf discs were incubated at 26°C for 2 days 20 in a light intensity of 2000lux and then removed from the nurse culture plates to selection media. They were then incubated at 3000 lux, 26°C, 16 hours day/ 8 hours dark and transferred every two weeks to fresh media. As new growing shoots appeared at the edge of the disc they were 25 removed to MS basal media + 3% sucrose, 500 mg L



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cefotaxime & 100 mg L kanamycin for rooting.

After rooting and growing to a size where they had 3-4 leaves a leaf from several lines of each construct plus 5 several untransformed control plants was removed for RI assay. The leaf tissue was ground in a eppendorf tube and the sap released was recovered by centrifugation. The sap was adjusted to 30% sucrose (w/v) prior to assay.

10 Several plant lines from each construct were demonstrated to have significant levels of ice recrystallisation inhibition activity. Extracts from each of the control plants possessed no activity. This clearly demonstrated that the Lol1 AFP had been transformed into tobacco, a 15 plant that does not have its own AFP, and was successfully expressed as an active protein with no need for cold acclimation.

Plants selected to be grown on, were potted into a 50% 20 perlite / 50 % peat mix and re-potted to flowering in a 26°C 16hour light / 22°C 8 hour dark cycle in a growth room. Flowers were bagged to ensure self-pollination and seed collected and stored at +4°C.

25 **Example IX**



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To prove that the AFP of the invention does not require glycosylation to be active, the coding region was expressed in a prokaryote system. A strain of *Escherichia Coli* was created containing the Lolium AFP cDNA.

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The Lolium cDNA was cloned into a pET32 plasmid from Novagen that contains thioredoxin for expression of the target gene as a fusion protein. All enzymes were from Boehringer Mannheim and used according to the manufacturers
10 instructions. Construction of expression plasmids, transformation and growth of *E. Coli* were all as described in the Novagen pET system manual and Promega Applications guide.

15 The Lolium cDNA was cloned into the pET-32 plasmid as a PCR amplification fragment, with compatible restriction ends for ligation into the multiple cloning site of the pET-32 plasmid. This was produced using Lolium cDNA as the template and a 5' oligonucleotide primer
20 (TTTGCCTCGAGTTAAGCGTCTGTCACGACTTTG and 3' oligonucleotide primer (TTTGCGCCATGGATGAACAGCCGAATACGATTTC). This introduced a NcoI restriction site at the 5' end and a XhoI restriction site at the 3' end of the amplification fragment. The reactions were carried out in a thermal
25 cyclor using Taq DNA polymerase for 25 cycles (denaturation at 94°C, annealing from 35°C to 60°C, expression at 72°C). All subsequent PCR reactions were carried out under the same conditions. The NcoI/XhoI PCR amplified fragment was then cloned into the NcoI/XhoI digested pET-32 plasmid and
30 transformed into competent non-expression *E. Coli* cells (strain XL1-Blue). After transformation, they were plated onto LB-ampicillin plates and grown at 37°C for 16 hours. 10 ampicillin resistant transformants were picked and analysed for integration of the Lolium cDNA by PCR using



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the pET upstream and downstream primers from Novagen.

Plasmid DNA was isolated from 3 positive transformants by miniprep and digested by XhoI and NcoI for transformation
5 into the competent expression *E.Coli* BL21(DE3) cells as described in the pET system manual. The transformed cells were plated onto LB-Ampicillin medium and incubated at 37°C for 24 hours together with a control made with non transformed BL21(DE3) *E.Coli* cells.

10 Three positive transformant colonies were selected and subcultured in LB-ampicillin media and incubated at 37°C for 1 hour to reached an O.D. ($\lambda=600\text{nm}$) of 0.6 and then inoculated in a larger medium volume and shaken at 37°C. When the O.D. reached 0.5, the cells were induced with IPTG
15 for protein expression for 3 hours as described in the pET system manual.

Expressed proteins were isolated from the *E.Coli* cells cytoplasm as described in the pET system manual; cells were
20 harvested by centrifugation, resuspended in HEPES buffer (25mM HEPES, 10mM MgCl_2 , 100mM NaCl, 1mM DTT, pH7.5) and sonicated for 10 seconds. The cytoplasmic protein fraction was centrifuged and the supernatant collected. An aliquot of the supernatant was adjusted to 30% sucrose and assayed
25 for ice recrystallisation inhibition activity as described in example III. The cytoplasmic protein extract demonstrated significant RI activity whereas the cytoplasmic protein extract produced in the same way from control *E.Coli* cells without the integrated *Lolium* cDNA had
30 no activity.

The fusion protein was purified by metal affinity column and the thioredoxin removed by digestion with thrombin. The identity of the cleaved AFP was confirmed by potein



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sequencing of the N-terminus and this cleaved protein was shown to also have significant ice recrystallisation inhibition activity.

- 5 The above provides proof that the non-glycosylated *Lolium perenne* antifreeze protein expressed in *E.Coli* retained its recrystallisation inhibition activity, both as a fusion product with thioredoxin and after thrombin cleavage.



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Claims

1. Anti-freeze protein which can be derived from plants characterised in that at least 40% its amino acids are from the group of Serine, Threonine and Asparagine.
2. Anti-freeze protein according to claim 1, which can be derived from grass.
3. Anti-freeze protein according to claim 1 having at least 80% overlap with the following amino acid sequence:

D-E-Q-P-N-T-I-S-G-S-N-N-T-V-R-S-G-S-K-N-V-L-A-G-N-D-N-
T-V-I-S-G-D-N-N-S-V-S-G-S-N-N-T-V-V-S-G-N-D-N-T-V-T-G-
S-N-H-V-V-S-G-T-N-H-I-V-T-D-N-N-N-N-V-S-G-N-D-N-N-V-S-
G-S-F-H-T-V-S-G-G-H-N-T-V-S-G-S-N-N-T-V-S-G-S-N-H-V-V-
S-G-S-N-K-V-V-T-D-A

as well as modified versions thereof.

4. Anti-freeze protein of claim 3, wherein the overlap is at least 95%.
5. Anti-freeze protein of claim 4, wherein the overlap is 100%.
6. Anti-freeze protein of claim 1, wherein the protein has been modified by glycosylation.
7. Nucleic acid sequence capable of encoding for the anti-freeze protein of claim 1.



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8. Nucleic acid sequence of claim 7, having the sequence:

GAT GAA CAG CCG AAT ACG ATT TCT GGG AGC AAC AAT ACT
GTC AGA TCC GGG AGC AAA AAT GTT CTT GCT GGG AAT GAC
AAC ACC GTC ATA TCT GGG GAC AAC AAT AGT GTG TCT GGG
AGC AAC AAC ACT GTC GTA AGT GGG AAT GAC AAT ACC GTA
ACC GGC AGC AAC CAT GTC GTA TCA GGG ACA AAC CAT ATC
GTT ACA GAC AAC AAC AAT AAC GTA TCC GGG AAC GAT AAT
AAT GTA TCC GGG AGC TTT CAT ACC GTA TCC GGG GGG CAC
AAT ACT GTG TCC GGG AGC AAC AAT ACC GTA TCT GGG AGC
AAC CAC GTT GTA TCT GGA AGC AAC AAA GTC GTG ACA GAC
GCT TAA

and alleles thereof.

9. Frozen food product comprising the anti-freeze protein of claim 1.
10. Food product according to claim 9, being a frozen confectionery product.
11. Method of obtaining an AFP according to claim 1, whereby the AFP is produced by a genetically modified organism.
12. Method according to claim 11, wherein the organism is a microorganism or a plant line.
13. Plant, capable of expressing the protein of claim 1 or 2 and having an increased frost tolerance.



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INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 98/08553

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9515377	A	08-06-1995	US 5646029 A	08-07-1997
			AU 690604 B	30-04-1998
			AU 1103895 A	19-06-1995
			CA 2177953 A	08-06-1995
			EP 0733106 A	25-09-1996
			FI 962240 A	04-07-1996
			JP 10502521 T	10-03-1998
			NZ 276674 A	24-11-1997
			SG 52451 A	28-09-1997
			US 5830747 A	03-11-1998
WO 9804699	A	05-02-1998	AU 3443797 A	20-02-1998
			AU 3621297 A	20-02-1998
			AU 3621397 A	20-02-1998
			AU 3693497 A	20-02-1998
			DE 19732135 A	26-02-1998
			DE 19732136 A	29-01-1998
			WO 9804146 A	05-02-1998
			WO 9804147 A	05-02-1998
			WO 9804148 A	05-02-1998
			EP 0918863 A	02-06-1999
			EP 0923306 A	23-06-1999
			EP 0924990 A	30-06-1999
			FR 2751657 A	30-01-1998
			FR 2751513 A	30-01-1998
			GB 2315752 A	11-02-1998
			GB 2315753 A	11-02-1998
			IT MI971752 A	25-01-1999
			IT MI971755 A	25-01-1999
WO 9222581	A	23-12-1992	AU 1907192 A	12-01-1993
			CA 2110510 A	23-12-1992
			EP 0589928 A	06-04-1994
			US 5852172 A	22-12-1998
CA 2104142	A	17-02-1995	US 5731419 A	24-03-1998
WO 9417186	A	04-08-1994	US 5837545 A	17-11-1998
			AU 6229894 A	15-08-1994
			CA 2154274 A	04-08-1994
WO 9013571	A	15-11-1990	US 5118792 A	02-06-1992
			AU 648028 B	14-04-1994
			AU 5814390 A	29-11-1990
			CA 2056434 A	11-11-1990
			EP 0472662 A	04-03-1992
			JP 4505329 T	17-09-1992

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims 1,2,6,7,9-13 are not concise according to article 6 PCT, and do not allow a complete and meaningful search. The search for proteins with such composition, and their corresponding nucleic acid sequences encoding them, has been restricted to the sequence IDs 1-4 provided by the applicant. In general terms the search has also included documentation regarding antifreeze proteins from plants.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/EP 98/08553

Box I Observations where certain claims were found uns archable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such
an extent that no meaningful International Search can be carried out, specifically:

See FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all
searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment
of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report
covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is
restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Int. Patent Application No.

PCT/EP 98/08553

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>LEE J -S ET AL: "THE REDUCTION OF THE FREEZING POINT OF TOBACCO PLANTS TRANSFORMED WITH THE GENE ENCODING FOR THE ANTIFREEZE PROTEIN FROM WINTER FLOUNDER" JOURNAL OF CELLULAR BIOCHEMISTRY, no. 14, PART E, 31 March 1990 (1990-03-31), XP002030248 the whole document</p> <p>-----</p>	13

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/EP 98/08553

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C12N15/29 C12N15/82 C07K14/415 A23L3/375 A23G9/02
A23G9/04 A01H5/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 C12N C07K A23L A23G A01H

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 95 15377 A (ALBRIGHT & WILSON AUSTRALIA) 8 June 1995 (1995-06-08) page 27 - page 28; figure 1	1,7
P,X	WO 98 04699 A (UNILEVER PLC ;UNILEVER NV (NL)) 5 February 1998 (1998-02-05) the whole document	1-13
P,A	-& WO 98 04148 A (UNILEVER) 5 February 1998 (1998-02-05) page 19 - page 25	1-13
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

13 July 1999

Date of mailing of the international search report

27/07/1999

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PCT/EP 98/08553

Form PCT/ISA/210 (continuation of second sheet) (July 1992)